

Arlington Conservation Commission
Minutes
June 4, 2015

Mr. Stevens called the meeting to order at 7:30 p.m. in the second floor conference room of the Town Hall Annex. Present were Nathaniel Stevens, David White, Charles Tirone, Curt Connors, Susan Chapnick, Janine White, Mike Nonni, and Associate Catherine Garnett of the Commission. Cori Beckwith, Commission Administrator, and Associate Eileen Coleman were not present. Also in attendance were Patrick Dwyer, Jim Doherty, Garth Hull, Bill O'Rourke.

7:30pm Meeting called to order – Commission Business

Certificate of Compliance request – 91-253 at **15 Thesda St** – Pat Dwyer, owner, was present at the meeting to show pictures of the mitigation plantings and request a COC. He reviewed the plantings, which were consistent with the original plan and included native plantings in ground and in beds (e.g., mountain laurel, echinechia, low-bush blueberries, inkberry, and black-eyed susan's, among others). The Commission reviewed the photos. Mr. Dwyer reported that Ms. Beckwith had performed a site visit on May 20, 2015 and gave verbal approval to the owner; however, the Commission did not receive a report of this site visit. Therefore, Commission decided to continue this COC request to the next meeting.

Action Item: Ms. Beckwith will report to the Commission about the site visit and the Commission will decide on whether or not to formally approve the COC (with signature form) at the next meeting on June 18, 2015.

Enforcement: Viking Ct – referred to Town Counsel

Enforcement: **16 Spy Pond Pkwy**: review for COC

Several Commission members performed a site visit on May 27, 2015 and a Site Visit Report was generated for all Commission members to review prior to the meeting. Owner Jim Doherty was present at the meeting to discuss several site visit issues as follows:

- Mitigation Plantings: not all low shrubs in original Permit seem to have been planted
- Structures: a deck and patio were not in the original permit
- Site Plan: the Commission does not have a current Site Plan showing all existing plantings, structures, and the electrical conduit that runs under the yard
- Invasives: during the site visit, Mr. Tirone pointed out invasive plants along the shoreline (purple loosestrife)
- Maintenance: the frequency of mowing to maintain a meadow within the 50 ft buffer zone was not clear

Action items:

- 1) Owner agreed to plant additional mitigation natives (24 to 26 plants) including low-spreading blueberry bushes, wood fern, and several others that Mr. Nonni and Ms. Garnett reviewed and approved as native plants; owner will make a copy of the planting list and send it to Ms. Beckwith.
- 2) Owner will pull out invasive purple loosestrife on his property.
- 3) Owner will apply for an amendment to the existing Permit to add the site structures, additional plantings, and clarify the maintenance plan for mowing. Owner will mark-up the existing Site Plan with all structures, electrical conduit, and plantings to submit with the application for a Permit amendment and possible future Certificate of Compliance. The Commission will review revised plan by owner to see if sufficient to accurately document existing conditions.

22 Mystic Bank – Mr. Stevens read a letter sent to the Commission by the applicant's representative, Rich Kirby of LEC, asking whether a new Notice of Intent or a Certificate of Compliance would have to be filed as the dock installed is smaller than the dock allowed under the existing permit. The Commission unanimously decided that no Notice of Intent would be required, only a Certificate of Compliance (application).

Mystic 35 River Enhancement Project Grant – follow up of de-brief with DEP, who said grant will be reposted July 2015. Focus of resubmission: sustainability, history of erosion, stewardship and partner roles, DCR permission, dye test data, visual rendering, signage mock ups.

Action item: Ms. Garnett will assist the Commission in the process to obtain formal DCR approval of this proposed project (with formal sign-offs).

Eagle Scout Project – Eagle Scout Garth Hull submitted figures of steps he proposes to add to existing stairs at **Window on the Mystic** conservation land in Arlington. Details include:

- All proposed work is within the 50 ft buffer zone.
- Will be cut-and-fill to get end pieces in and to match the slope for landing.
- Plan to build steps from the bottom up to meet the steps already in place with a landing for the transition.
- stairs 12 x 20" each = 240" = 20ft long; pressure-treated lumber
- Steps match the rise and run of the existing steps (this was important aspect of design for Ms. Garnett)
- Mr. Tirone recommended that 2 timberlock screws be added to design in each corner.
- Schedule: 1 day for cutting of wood (offsite) and 2 weekends of work on-site to do digging and putting stairs in with ~ 10 people.
- Mr. White recommended that adults be present on site during the work.
- Mr. White recommended that care be made for drainage so that water does not run along the stairs and create erosion.
- Commission recommended that a sign be placed at the entrance of Windows on the Mystic to warn people that project work was being performed. Scout agreed that a sign stating "Eagle Project Work" would be put at entrance.
- Mr. Tirone explained to the Scout that Commission members would perform a site visit after steps are put in and that we may have follow-on work, for example, to mitigate water running down side of stairs.

During discussion of this project, the Commission learned that another Eagle Scout is planning on proposing a path for this same conservation area.

The Commission decided that the Scout needs permission under the Wetlands Act and Arlington Wetlands Bylaw and recommend that he submit a Request for Determination of Applicability for all the projects the scouts are proposing at this conservation area.

Mr. White moved to approve the Scout's plan, with recommendations as described above and the understanding that the Scout needs to file a RDA. Mr. Tirone seconded the motion, which passed unanimously.

Action item: the Eagle Scout(s) will contact Ms. Beckwith to fill out paperwork for the RDA for proposed work at Windows on the Mystic.

Wetland Regulations – proposed revisions to Commission's local Wetland Regulations were discussed. Commission recommended removing the schedule for cap on fees for consultants. Several other changes were approved from recent drafts, several recommended by Mr. Tirone.

Ms. Chapnick made a motion to approve the Wetland Regulations with changes as discussed. Mr. White seconded the motion, which was passed unanimously.

Action item: Mr. Stevens will make the final edits.

Invasive Clam in Spy Pond – found by a resident; briefly discussed. No action taken.

Inventory of **Conservation Lands** - Reviewed table of Inventory of Conservation lands that Mr. White put together from information presented in the Arlington Open Space Plan and additional notes that he added based on knowledge of the parcel(s).

Action item: Ms. Garnett volunteered to do some site visits to update this inventory. Other Commission members should review the inventory and make recommendations.

Mugar proposed development – Former Commission member Bill O'Rourke came to the Conservation meeting to relay his view on the Mugar development proposal. He stated that the real issue is groundwater, not flooding. He said that approximately 350 people showed up at the developer's meeting last week. The developer's Civil engineer said he can provide mitigation using detention ponds and bleeding off to Alewife brook – but Mr. O'Rourke said the engineer is assuming that the brook is an empty channel, which it is not. Mr. O'Rourke stated that Alewife Brook runs backwards because the gradient is flat. Therefore, can't provide flood mitigation using Alewife Brook. He went on to state that what the developer claimed at that meeting for mitigation is not possible. Mr. O'Rourke, who is an engineer, offered his technical assistance when this project comes up to the Commission.

Order of Conditions – 91-258 for **Spy Pond Aquatic Management Plan**

Mr. Stevens recused himself. Mr. Tirone and Ms. Chapnick reviewed their proposed edits with the Commission. Commission members made further suggestions.

Commission members discussed the requirement for Natural Heritage / MESA review and approval; concerning the endangered plant Umbrella sedge, for which MESA requires a written survey report that is still outstanding from Aquatic Control. The Commission recommended adding specific language in the Order of Conditions to make it clear that MESA approval must be obtained prior to any work. This was added to "Additional Special and/or Bylaw Conditions" Section 21 of the Permit and Order of Conditions. The Permit and Order were finalized.

Ms. White made a motion to approve the Permit and Order of Conditions with the revised conditions discussed. Mr. Tirone seconded the motion, which was passed unanimously. The Order was signed by Commission members.

Action item: Ms. Chapnick will revise the Permit and Order to include the approved edits.

Minutes – Partial minutes from Conservation meeting of May 21st on 40B provisions were briefly discussed; several Commission members provided edits. Minutes were not finalized.

Action Item: Mr. Stevens will compile edits and send out another draft of these partial minutes to the Commission members and to the lawyers for review.

Meeting adjourned at 10:10 pm.

Respectfully submitted,
Susan Chapnick
Member, Arlington Conservation Commission